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A Letter to the Rt. Hon.
Edmund Burke, in Reply to the
Insinuations in the Ninth Re-
port of the Select Committee

By
John Scott

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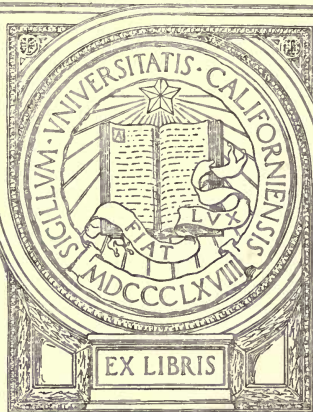
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A

L E T T E R

TO THE

Rt. Hon. EDMUND BURKE,

In Reply to the Insinuations

IN THE

Ninth Report

OF THE

SELECT COMMITTEE,

Which affect the Character of Mr. HASTINGS.

By J. S.^{cott}

L O N D O N :

Printed in the Year M DCC LXXXIII.

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THE

REPORT

OF THE

COMMISSIONERS

OF THE

LANDS

OF THE

STATE OF CALIFORNIA

FOR THE YEAR 1887

BY

W. D. BROWN

AND

STATE OF CALIFORNIA

AT LOS ANGELES

1887

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LIBRARY SETS

TO THE

Right Honorable *Edmund Burke.*

S I R,

London, 19th June, 1783.

OCT 10 1940

Zamboni

THE ninth Report of the Select Committee has at length been published. Several months have elapsed since you first declared, that the merit of this extraordinary composition, whenever it appeared, would be solely and exclusively your own. The seventh Report, which was confined to the business of Mr. Sullivan, Sir William James and Mr. Wilks, was the production of your honorable friend, General Smith; but as the members within doors, and the public without, have been less warm in commendation of that performance

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formance than yourself, it has so happened, that tho' you were both solemnly pledged to prove the matter, neither trivial, unimportant, nor worthy to be presented *on the 1st of April*, you consented to the proposition of Mr. Fox, that the consideration of the subject should be postponed to a future day, which was in fact dismissing it for ever. The ninth Report however treats of so many subjects of great importance, that it can neither be hastily or lightly answered. I shall not presume to anticipate the defence, which the East-India Company will doubtless make to so many very serious and heavy charges; nor shall I say a syllable in reply to the illiberal abuse which you have heaped upon the Court of Proprietors, for presuming to exercise those Rights legally vested in them, when they acknowledged the merits and qualifications of Mr. Hastings. I shall confine myself solely to the correction of such errors and misrepresentations, as may tend to impress the public with an unfavorable opinion of his character. Indeed almost every thing contained in the present Report, in which he is concerned, has already been brought forward by your Committee,

mittee, and fully, fairly, and satisfactorily refuted by "Detector." The only new points are, the remarks upon the plan of the 8th of April, 1782, for furnishing an investment, and the history of Mr. Hastings's pretended resignation in 1776.

I give you, Sir, every credit you can require, for the many very ingenious arguments, which you have made use of to depreciate the plan of the 8th of April, but I really do not see with what propriety they were introduced into a Report, professedly made for the purpose of giving information to the House of Commons, *in order to enable them to adopt the most proper means for regulating the British Government in India.* You knew, on Friday, the 13th Instant, at the time your worthy Chairman presented the Report, that the plan, whether good or bad, was abandoned; you had known it above two months; even the Lively's packets had been a month at the India-House, and they contained a minute from the Governor-General and Council, from which I have been able to extract some *solid reasons*, which they have given for altering the plan of the 8th of April. It
would

would not have swelled your Report much, but it certainly would have evinced your candour, if you had inserted the minute at length in the body of your Report, instead of publishing it in your Appendix, and representing one part of it in a false point of view. However, as you have not thought proper to do this, I beg leave to inform such Members of the Honorable House of Commons, as may condescend to read this letter, that the Governor General and Council, in their minute of the 10th of May, 1782, observe, “ that the plan
 “ of the 8th and 15th of April was
 “ liable, as they had been advised, to
 “ strong and weighty objections, and
 “ that since the publication of the plan,
 “ *they had received a latitude from the*
 “ *Company to draw bills upon them, in*
 “ *particular cases, such as they conceived*
 “ *the present to be :* They therefore re-
 “ solve to draw upon the Company for
 “ eighty lacks of rupees, at an exchange
 “ of two shillings the current rupee,
 “ payable in one and two years, without
 “ interest, in England, but 8 per cent.
 “ to be allowed in Bengal, from the time
 “ the money was paid into the Treasury,
 “ to the day the bills were granted ; and
 they

“ they further say, that it shall be re-
 “ commended to the Court of Directors,
 “ (*they having no power to grant such an*
 “ *allowance*) to allow the President and
 “ Members of the Board of Trade 5 per
 “ cent. on the produce of the sales in
 “ England, after the manner in which
 “ the Company gratify their supra-car-
 “ goes in Canton.”

In a letter which I did myself the
 honor to address to you some time ago,
 I proved, from authentic evidence, drawn
 from the Records of the East India
 Company, that this remittance, nego-
 ciated in the moment of war and distress,
 is more advantageous, by above 12 per
 cent. than that which your worthy
 Chairman General Richard Smith recom-
 mended to the Council in Bengal, in the
 time of peace and tranquillity. I also
 find, Sir, that Mr. Hastings has not sub-
 scribed five thousand pounds to this re-
 mittance, but your Chairman remitted
 the enormous sum of Eighty Three
 Thousand Six Hundred Pounds, by that
 which he had so strongly recommended.
 I confess it is with difficulty I can re-
 strain my indignation, when I am vindi-
 cating the character of Mr. Hastings,
 from such gross aspersions as are cast
 upon

upon it. In the first place he is blamed for adopting a plan, which, upon more mature reflection, and *receiving a latitude from the Company for drawing upon them*, he relinquished. Then he is said to have allowed the Board of Trade, in his improved plan, 5 per cent. on the sales in England, when the real fact is, the Supreme Council have merely recommended to the Court of Directors to make that allowance, which after all, it is at their option to grant or to reject, and the recommendation was in consequence of a very considerable reduction in the cost of the investment.

These strictures upon a plan *that has never been adopted*, and as you well know, *never will be adopted*, remind me of the very curious observation the General made in his 7th report, as to the manner in which two acts of parliament were mentioned, in a letter from Mr. Sullivan and Sir William James, to the Supreme Council. The General proves, almost in the following page, that such paragraphs *made no part of the letter*, and you have now favored the House with an elaborate treatise upon an impolitic plan, and then gravely observe, that “the judgment formed on the scheme
“ of

“ of April (abandoned) has nothing to
 “ do with the project of May,” adopted.
 Then you assign two curious reasons for
 not suppressing your reflections, the first
 not founded in truth, the last merely an
 insinuation ; for I must inform you, Sir,
 that the Company received the plan of
 the 10th of May, by the Lively, a Month
 before your report was presented, though
 you assert that the Company does not
 know of it, by any regular transmission.

The Governor-General's disobedience
 of orders is again asserted. No new facts
 are adduced, and I trust I have in a former
 publication fully cleared up every point
 of this kind. I call upon your Chair-
 man, General Smith, who knows some-
 thing of India, to declare, as a man of
 honor, whether the measures pursued in
 England in 1776, and the two following
 years, were not of a most dangerous, and
 mischievous nature, that they tended
 to weaken the necessary influence of the
 first British subject in India. If you do
 not already know it, I inform you, Sir,
 that Mr. Hastings's language, both to his
 Majesty's Ministers, and to the Court of
 Directors, has been uniform and consist-
 ent. “ Remove me, or confirm me, but
 “ do not leave me at the head of the

ment, and deprive me of the necessary powers of acting with effect for the public good." As often as you mention Mr. Hastings's conduct to Mr. Bristow, and Mr. Fowke, so often will I repeat the evidence which I gave to your Committee, and I desire General Richard Smith, who has served the Company almost as long as I have done in India, may contradict me, if what I advance should not be founded in truth and common sense.

Mr. Hastings succeeded to the Government of Bengal in April, 1772, at that time, and for two years afterwards he enjoyed the full confidence of his constituents—a confidence which he never abused. I ask General Smith, if at that period, as well as during the Government of Lord Clive, Mr. Verelst and Mr. Cartier, the Court of Directors interfered in the internal arrangements of the Government of Bengal. They appointed civil servants as they had always done, but they left it to the Government abroad to employ them as they thought best for the public service. What would Lord Clive have said, had the Court of Directors nominated the junior servants to offices of trust and confidence

confidence in Bengal. He would have declared at once that such an interference would effectually destroy the necessary authority of the Government upon the spot.

The acts of disobedience which you have again brought forward, when stripped of the sophistry and misrepresentation, in which they are involved in the Report, are as follows.

Mr. Bristow and Mr. Fowke, two gentlemen of very fair and irreproachable characters, were appointed Residents at Oude and Benaris; the former in the room of Mr. Middleton, who had been nominated to that employment by Mr. Hastings about a year before, the latter was appointed to a new office the very moment that his father, not in the Company's service, had rendered himself conspicuous by taking an active part against Mr. Hastings, in the unfortunate contentions which at that time divided the Supreme Council. The Governor-General opposed both appointments, but as you well know, Sir, he had no more power at that time in the Council, than I had. When by the death of Colonel Monson, in September, 1776, he became possessed of some share in the Government,

vernment, of which he was the head, he proposed the recal of Mr. Bristow and Mr. Fowke, not from any personal objection to any part of their conduct. I have before observed, I again repeat it, and I call upon Mr. Francis to contradict me, if I assert an untruth, that the attention of every man from Calcutta to Dehly was fixed upon this act, as the criterion by which he was to judge whether Mr. Hastings meant to retain or to give up the Government. Whether it was the intention of General Clavering, Colonel Monson, and Mr. Francis, to proclaim to every power in Indostan, the annihilation of Mr. Hastings's political influence, when they appointed Mr. Bristow and Mr. Fowke, is of no moment to enquire, but that such was the effect of it, is a point which I believe no man will dispute. Mr. Hastings thought their recall was necessary, to fix his own influence upon its proper footing, for the conduct of the public service. The Court of Directors, however, thought otherwise. Without deigning to reply to the reasons assigned by Mr. Hastings for recalling Mr. Bristow and Mr. Fowke, they peremptorily ordered them to be restored. The order arrived in July,

1778,

1778, about the time we heard of the French war. Mr. Bristow had quitted India before the order arrived. Mr. Fowke was on the spot, but the execution of the order respecting him was suspended. Sir John Clavering died several months before this period.

Mr. Hastings opposed carrying the order into execution upon a ground, which in my opinion is unanswerable. That if it had been obeyed just then, the Country Powers would have looked upon Mr. Hastings's immediate removal from the Government as certain, for at that period, Sir, it was asserted, as I can assure you upon my honor, that the reinstatement of Mess. Bristow and Fowke, were steps preparatory to Mr. Hastings's dismissal, and a letter of compliment and thanks from the Court of Directors to the late Sir John Clavering, was at that time translated into the Persian language, and circulated so high as in the camp of Nuzeph Cawn, near Dehly. Mr. Hastings, in acting as he did, was not influenced by resentment to Mr. Fowke, but merely wished to prevent an idea being circulated through India, that he was himself on the point of dismissal from his office. Here, Sir, I will readily join issue with you, that when
the

the Court of Directors heard of this suspension of a positive order, they ought not again to have repeated it. If the reasons urged by Mr. Hastings, for delaying or declining to carry their orders into execution, did not appear satisfactory, they should have taken immediate steps for his dismissal: but while the Government of England thought proper to continue Mr. Hastings at the head of the Government in India, they should have allowed him the exercise of the same authority which his predecessors had invariably possessed, an authority inherent in every Government. I should be extremely glad to know, Sir, if you disapprove this necessary act of exertion in Mr. Hastings, in which he had no personal interest; upon what principle you can justify the Duke of Portland, who dispossessed two very honorable and able men of the posts of Secretaries to the Treasury, to make way for your brother, Mr. Richard Burke, and Mr. Sheridan. Colonel Monson avowed in Bengal, like a man, that no wise Government would employ men, of whose attachment they were not convinced. He looked upon General Clavering, Mr. Francis, and himself, as the Government at that moment;

ment; and he took away a trifling office in point of responsibility, tho' not trifling in emolument, from the late Mr. Playdel, and gave it to the brother-in-law of Mr. Francis.

An additional and a weighty reason determined Mr. Hastings not to reinstate Mess. Bristow and Fowke,—He conceived, and with justice too I think, that every Native in India, from Calcutta to Dehly, would have deemed their restoration as immediately preparatory to his own removal. In this light I again affirm, it had been represented by the party attached to Mr. Francis. If Mr. Hastings did, at that disgraceful period, adopt measures of harshness or injustice to the rights of individuals, let those be blamed for it, who absolutely forced the Governor General of Bengal, into a personal contest with two junior servants of the Company. You have attempted to impress the world with an opinion, that Mr. Hastings has avowed a principle of disobedience, and that his Agent, Major Scott, has so far adopted Mr. Hastings's sentiments, as to hold a similar language in England. My sentiments, however, upon this subject, are neither new nor extraordinary. I think the Governor
General

General and Council are undoubtedly bound to obey the orders of the Court of Directors. I must have been an idiot to have thought otherwise; but where they think obedience to their orders may be attended with dangerous consequences to the public, they certainly may dispense with them, assigning however their reasons for so doing, and if those reasons should not be satisfactory, dismissal from the service ought to be the consequence. I am astonished how so plain a case can be misunderstood? Did not your Chairman, General Richard Smith, when a Member of the Council in Bengal, avow, on the 25th of September, 1769, that he knew the proposition which he then brought forward, was in direct opposition to the positive orders of the Court of Directors, but that the situation of public affairs fully justified him, in proposing to open the Company's Treasury for Drafts upon England? Did he not upon another occasion say, that he would risk his life and his honor, rather than carry into execution orders which he thought incompatible with the welfare of the State,—that he knew, however, he was responsible for every deviation of that kind. Without
such

such a latitude, how in the name of God, can a great Kingdom, at the distance of twelve thousand miles, from the superior state be governed. Orders highly proper may be issued here in January, but when they arrive in Bengal in October, circumstances may be so changed as to render them impolitic. In short, Sir, it is for the abuse, and not for the proper use, of power, that men in high stations, at the distance of half the globe, should be punished. What was the substance of Mr. Hastings's arguments for recalling Mess. Bristow and Fowke originally? "I am
 " of opinion those Gentlemen were ap-
 " pointed to convince the Powers of
 " Indostan of the annihilation of my au-
 " thority. Their recall alone can con-
 " vince them that any share of power
 " in this Government has reverted to
 " me." When the orders were repeated
 our situation was critical. War had
 been declared against France, and a large
 detachment was marching to Bombay.
 Mr. Hastings then observed, "The re-
 " storation of Mess. Bristow and Fowke
 " has attracted the attention of every
 " Prince in India. If they are restored,
 " my dismissal will be deemed certain.
 " The letter from the Court of Direc-
 C " tors

"tors to the late Sir John Clavering, has
 "been circulated even to Dehly, as well
 "as through our own Provinces. While
 "I am permitted to retain the Govern-
 "ment, I must support the dignity of
 "my station as far as I can,—declaring
 "that no man can more earnestly wish
 "for a final decision than I do." It is
 ✓ remarkable, Sir, that the Directors do
 not, in the first disapprobation of Mr.
 Hastings's conduct, nor in the repeti-
 tion of their orders respecting Mess.
 Bristow and Fowke, take the smallest
 ✓ notice of the arguments offered by Mr.
 Hastings in his own defence. But I
 should be exceedingly glad to hear any
 man, who has served in India, dispute
 the force or the propriety of them.

Mahomed Reza Cawn's appointment
 stood precisely on the same ground: He
 had been made an object of party;—but
 I beg, Sir, you will be pleased to recol-
 lect, that this respectable Mussulman has
 repeatedly declared, that, to the justice,
 the impartiality, and the attention of Mr.
 Hastings, he was indebted for his for-
 tune, his honour, and his life, at a time
 when he was accused by Nundcomar of
 the most flagrant crimes and enormities.

Mr.

Mr. Bristow, as you know, has been lately appointed to the Residency of Oude, by Mr. Hastings. The necessity no longer existed of declining to carry the Company's orders into execution, and obedience to them in their fullest extent has taken place. I am very sorry therefore that any circumstance respecting that Gentleman is again brought forward. Mr. Bristow certainly did write a very intemperate letter to the Supreme Council of India, on the 1st of May, 1780, claiming, as a right, that office, which the Court of Directors had conferred upon ~~them~~, and styling them in three several parts of the letter, "our "Honorable Superiors," saying his claim was grounded on "the highest authorities," &c. &c. You have remarked upon Major Scott's former evidence, who declared, that in his opinion Lord Clive would have sent any man a prisoner to England, who had written such a letter to the Board in his time, and you now say that your Committee finds nothing reprehensible in the letter, tho' it excited the warmest resentment of Mr. Hastings. How your friend, General Richard Smith, could subscribe to such an opinion, does, I confess, astonish me;

no

no less so, his acquiescence in the new and dangerous doctrine, which in your eagerness to criminate Mr. Hastings, you wish to inculcate. "That Mr. Bris-
 "tow was not the servant of the Su-
 "preme Council, as Mr. Hastings haz-
 "ards to call him, but their fellow ser-
 "vant."

When the honorable General was a member of the Government of Bengal, I believe no man saw in a stronger light than he did, the necessity of supporting the dignity of it, in its fullest extent, nor did any man require a greater degree of subordination, obedience, and respect, from every inferior rank in the civil and military service. How would the General have bounced at the Board, if a civil servant had, in dictatorial terms, claimed an appointment as his right, because "our honorable superiors had
 "conferred it upon him," &c. &c. Would not the General have said, "The dig-
 "nity of this Government must be pre-
 "served. We are responsible to the
 "Court of Directors for our conduct:
 "To them we will explain our reasons
 "for deviating from their orders; but
 "we will not be dictated to, or called to
 "an account by our own servants."

I am

I am confident this would have been the General's remark upon the occasion. Did he not cause three Armenians to be seized and imprisoned in Oude? Did he not instigate the Council to send Mr. Bolts a prisoner to England; and for what? Because the stories they circulated through Indostan, tended to lessen the *necessary weight and influence of the Governor of Bengal*. Did he not procure the dismissal of a most worthy, respectable, and gallant officer, Major Graham, without a Court Martial, because that gentleman had made use of an expression which was deemed disrespectful, in a letter that he wrote to the General? An expression mild indeed compared to several in the letter of Mr. Bristow. I have a very great respect and regard for Mr. Bristow. The business is now most happily adjusted—but as my name is again introduced, I trust Mr. Bristow will pardon me for saying, what every man who read that letter in India, said, that it was not written in such a style as the Supreme Council had usually been addressed in.

In short, Sir, the violence of contending parties, at the period these appointments were agitated, had tended so far
to

to weaken the necessary power of the Government, that Mr. Hastings was left for two years in such a situation as I trust will not be the lot of any future Governor General. I must suppose, Sir, that there is as much Integrity, ability, and industry, in the Secret, as in the Select Committee; and yet how strangely different are your ideas as to the future regulation of the Government of India. You term a senior merchant in Bengal, the Fellow-Servant of the Governor-General.

—The Lord Advocate of Scotland, on the other hand, judging, doubtless, that many of our misfortunes have resulted from the system which was so industriously pursued for three years, of reducing the authority of Mr. Hastings, proposes to confer the most despotic power upon the Governor-General. If his ideas are carried too far, still I look upon his bill as being a complete confirmation of every thing Mr. Hastings has urged, as to the insufficiency of the power of the Governor-General, as far as the Lord Advocate's sentiments, and the sentiments of those with whom he has acted, can have weight with the public.

I am sorry to observe, Sir, that you have once more brought up the business
of

of Nundcomar. It is impossible to reply to insinuations. I have again and again asserted, that whenever a charge is brought forward it shall be fully answered. All that I can now do is, to repeat what I have asserted before, that Mr. Hastings had no concern, either directly or indirectly, in the apprehension, the prosecution, or the execution of Nundcomar. I confess I do not clearly understand your expression. "Nundcomar appears at the very time of this extraordinary prosecution a discoverer of some particulars of illicit gain, then charged upon Mr. Hastings, the Governor-General." Nundcomar, Sir, made no discovery whatever, he accused Mr. Hastings of having accumulated millions of rupees in about thirty months. The absurdity of the charge was palpable; it was fully enquired into, and proved to be false in every part! Why would you not favor the world with a few further particulars respecting this most notorious of all delinquents, Nundcomar. You must know that it was generally said in Calcutta, about the time of his execution, that he had made several very important discoveries. On the 4th of August, 1775, a servant of Nundcomar brought a paper
to

to General Clavering. On the 5th the Raja was hanged. On the 6th the General ordered the paper to be translated. On the 14th he brought it to the Board, and said he thought it contained several particulars, which his Majesty's Ministers, and the Court of Directors, should be acquainted with. Some conversation ensued, and Mr. Hastings insisted upon the paper being produced to the Board. It was then read and entered in the Records. On the 16th Mr. Francis moved, that the paper should be burned by the hands of the common hangman, as a libel, and the copy of it expunged from the Records. Here the business ended; and I should hope, Sir, that you will not in future insinuate any thing to the disadvantage of the Governor-General, upon the evidence of such a man as Nundcomar was. I again repeat, that a Committee was expressly appointed to examine into the charges brought against Mr. Hastings by the Raja, they had every means given them of investigating every particular most fully, and the enquiry ended, as your "direct charge of corruption," has ended, Nothing was found that reflected either upon the honor or the integrity of the Governor-General.

The

The next point which you have introduced into your Report, with a view to prejudice the house against Mr. Hastings, is an account of the resignation; and here, Sir, I confess my unwillingness to follow you. Two of the parties concerned in that mysterious business are no more: but your noble friend Lord North, and the gentlemen who filled the two Chairs of the Direction, at the time this transaction happened are upon the spot, and are able to clear up every dubious circumstance in it. I will relate the affair as circumstantially as I can: Soon after the Supreme Council arrived, and had commenced their opposition to every political measure of Mr. Hastings's Government; Mr. Maclean went to England, impowered by the Governor-General to act as his Agent. His instructions were undoubtedly to endeavour to procure for Mr. Hastings, that support which he thought due to his station; but if that support could not be procured, Mr. Hastings declared, very explicitly, that he did not wish to remain in the Government. His letters to his Majesty's Minister, and to the Court of Directors at that period, breathed the same senti-

ments exactly. The Conversation alluded to, was of a similar nature:—In the course of a few months, however, the attacks upon Mr. Hastings became very personal; it was roundly asserted that there was no species of peculation of which he had not been guilty, and proofs were promised to be sent to England by the latter ships of 1775. Thus circumstanced, Mr. Hastings wrote to the Court of Directors, in the most explicit and positive terms, that painful as his situation was, and would be, he was determined to retain it until forcibly removed from it.

Now, Sir, as the instructions under which Mr. Maclean resigned the Government for Mr. Hastings, were dated in December, 1774, surely the Court of Directors ought to have regarded his positive declarations to them, in letters of subsequent dates by three and six months, as of more force than loose paragraphs picked out of letters to Mr. Maclean, tho' in the hand writing of Mr. Hastings, which contained simply this, "if I am not supported, I wish to give up, because any Government is better than a divided one." However, Sir, the Committee of Directors, who examined
Mr.

Mr. Maclean's powers, were as you say of opinion, that they were full and sufficient,—a most extraordinary declaration from gentlemen, who had read letters of a later date from Mr. Hastings, notifying his determined resolution to remain in the Government. The several steps were taken to fill up the vacancy, but so great was the doubt of the legality of the act, that the parties concerned did never ask the opinion of Council upon it, though required so to do, in a General Court, by Governor Johnstone.

The news of this remarkable event arrived in India, to the general astonishment of all parties. Mr. Hastings disavowed having given any authority to Mr. Maclean to resign for him, but declared at the same time, that he would give up the Government, because he thought that gentleman had acted for his interest, to the best of his judgment. Now, Sir, came on the great difficulty in settling this business. It had never been intimated to Mr. Hastings that he was instantly to resign. Such an idea would have been too absurd for Mr. Maclean to come into, of course he meant to continue until the season for quitting Bengal. Sir John Clavering on the other hand had
been

been informed by private letters, that he had succeeded to the Government. It was natural for him to suppose, that if Mr. Hastings could keep the chair a day, he could keep it as long as he pleased, so that this very circumstance rendered the resignation of no effect. It made it, in fact, an agreement which required Mr. Hastings's consent before it could be complete, and such undoubtedly it was. I pass over the subsequent events in Bengal. Both parties made their representations to England. Mr. Hastings called loudly upon the Chairman of the Court of Directors, to publish to the world, what the powers were which had been produced by Mr. Maclean. He wrote in as strong a style of complaint to his Majesty's Minister. These letters were dispatched previous to the death of Sir John Clavering. See, Sir, in what a dilemma you are involved. If you mean to insinuate that Mr. Maclean was really possessed of full powers to resign for Mr. Hastings, that he made use of those powers when he saw Mr. Hastings on the point of being dismissed from the service, that his Majesty's Ministers, and the Court of Directors were, and still are, fully satisfied of the sufficiency of those powers

powers; what excuse can you make for the conduct of your new friend, Lord North? That noble Lord, since the period of this pretended resignation, has twice presumed to come forward to Parliament, to propose a man to fill the high and important office of Governor-General of Bengal, who has dared, by your account, to practise such a deceit upon the nation, as no punishment could be too severe for. I did hope, Sir, that this transaction would not have been revived at so great a distance of time: since you however have revived it, Why will you not call upon such of the parties now in England, as have seen the powers which Mr. Macleane produced? Lord North was the Minister when the resignation took place. He was the Minister when Mr. Hastings denied the authority under which it had been made. He was the Minister when Mr. Hastings called for the powers to be produced to the world, under which his agent had acted, and in the two following years, his Lordship proposed that Mr. Hastings should be appointed Governor-General of Bengal. Can we, Sir, have a stronger confirmation of Lord North's sentiments of Mr. Hastings's conduct than he has given?

Would

Would he have proposed a man to fill the first office in India, who was so far wanting in honor as to deny or to explain away, powers he had once given. There was a time when the argument I now use would have had less weight with you. There was a time, if I mistake not, when you would yourself have impeached the noble Lord; but, at present, I presume his Lordship's sentiments of a transaction which I am sorry to dwell so long upon, will have some weight with you.

In short, Sir, you ought not to have mentioned a syllable about the resignation; or if you had entered upon the subject, common justice required that you should have examined as many of the parties who were concerned in that transaction as are now in England. Some of them are no more, and

“ Let no renew'd hostilities invade,
 “ The peaceful grave's inviolable shade.”

If Mr. Maclean was the Agent of the Nabob of Arcot, Mr. William Burke is the Agent of the Raja of Tanjore.

If the resignation of the Government of Bengal, with the concurrence of his Majesty's Ministers, and the Court of
 Direc-

Directors, was a valid, legal act, and binding upon the Governor-General; what excuse can Lord North make to his country for daring to propose a man, two several times in Parliament for the important office of Governor-General of Bengal, who had forcibly retained a station to which that noble Lord knew he had no pretensions. If on the contrary, it was a compromise entered into by the friend of Mr. Hastings, without authority, but acting to the best of his judgment; the violent convulsion which happened in Calcutta certainly freed Mr. Hastings from any obligation to execute his part of it. In this light your noble friend must have looked upon it, or his subsequent conduct has been unpardonable.

Now, Sir, I must inform you, that the very curious reasons which you have assigned for Mr. Maclean's conduct are totally without foundation. Every idea of removing Mr. Hastings at the India-House was at an end. He had gained a complete victory there, against the whole force of a Government, whose interest was at that period extremely powerful; but the idea was, that his Majesty's Ministers were determined to carry in Parliament

liament what they could not effect in the city. I am convinced, Sir, if the compromise had not taken place, and the affairs of India had been agitated in the House of Commons, in the winter of 1776 Mr. Hastings would have had your warmest support, for at that period he was in the opinion of your party, an able, honest, great, and injured man, nor were his demerits discovered by you, until Lord North shewed an inclination to support him. In the first Report of your Select Committee, you have published a copy of Mr. Hastings's public letter to the Chairman of the Court of Directors, which he wrote when he did me the honor to nominate me his Agent. That letter contains the following paragraph, " It is material to me to make
 " one observation, that in my instructions to Major Scott, I have particularly provided, that I will suffer no
 " person whatever to perform any act in my name, that shall be construed to
 " imply a resignation of my authority;
 " protesting against the exercise of so
 " dangerous a power, from its having
 " been assumed upon a former occasion,
 " without being warranted by my consent, or by any previous instructions,
 " that

“ that could bear the most distant tendency to such a measure.”

Would Mr. Hastings dare to provoke an enquiry in the manner he has done, if he had ever empowered any man to make a surrender of his Government for him, or would the Court of Directors have submitted to such a notification, provided they had believed that the transaction of 1776, was a legal, valid resignation, and complete in all its parts.

I have now, Sir, gone through the insinuations contained against Mr. Hastings, in your Ninth Report. There is certainly no direct (or implied) charge of corruption; and though you are pledged to God, to the House of Commons, and your country, to prove the Governor-General a most notorious delinquent; you have as yet produced not a single instance of his corruption in office. It is true you have laboured hard to prove that an Opium contract has been given to Mr. Stephen Sullivan upon terms not so advantageous as probably it might have been concluded upon.

It happens unfortunately too that this gentleman is the son of a Director. As the appendix to your report is not yet published, I have not read Mr. Hast-

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ings's reasons for disposing of the Opi-
um Contract without putting it up to
public auction: I dare say they are of
some force; but what does the charge
amount to,—that the gentleman, who
has been eight times Chairman of the
East-India Company, has served that
Company abroad and at home above fifty
years, is possessed of so small a fortune,
that he procured for his only son, an ap-
pointment in the Civil Service at Ma-
dras; that Mr. Stephen Sullivan went at
the end of three years to Bengal, that Mr.
Hastings, who had been for many years
in habits of intimacy and friendship
with the father, appointed him his Pri-
vate Secretary and Judge Advocate Ge-
neral, and that he afterwards gave him a
contract, which has been a profitable
contract to every man who has held it.
I believe, Sir, no man who has filled so
great an office for so many years as Mr.
Hastings has done, can be clearer from
the charge of wasting the public money
for private purposes, than he is: To
mere insinuations I shall oppose positive
facts. Look around you, and tell me
how many of the gentlemen, who have
arrived in England in the course of the
twelve years that Mr. Hastings has been
Governor

Governor of Bengal, were of his family or particularly patronized by him. With truth and justice I can say, that as Mr. Hastings's fortune is moderate in the extreme, for his station, so have the views and expectations of those attached to him been moderate. I desire you will point out a single person, either of his family, or intimately connected with, or dependent upon him who has returned from Bengal with a large fortune or a dubious character. "The few who are called his friends can not rise above an humble mediocrity, and the greatest part are now soliciting to return to India for bread."

If the Governor-General has wasted the public Treasure for private purposes, surely it will not be difficult to fix upon some of those individuals, who have benefited by an unauthorized exertion of the power of patronage. Produce a single instance of a gentleman, now in England, who accumulated a fortune in the course of the twelve years Mr. Hastings has been at the head of the Government of Bengal, by enjoying improper advantages at the Company's expence, or in your own words, "by a waste of public treasure for private purposes,

poses," and you will go further to establish one species of delinquency against Mr. Hastings, than by fifty insinuations, unsupported by facts. That advantageous contracts have been given away in Bengal, as well as in other countries, cannot be doubted, but to every declaration, that rapid fortunes are continually made in Bengal, I shall oppose a positive fact. The Company's civil servants are some of them of above twenty-six years standing in the country, many above twenty, and a great number indeed of more than fifteen years length of service. The Company's military servants are of equal, if not of longer standing, and I refer you, Sir, to the evidence of your reports to prove, that almost all the gentlemen who have been examined by you, have served the Company abroad from fifteen to twenty years. It was at the time of the acquisition of the Duannee, before Mr. Hastings's return to Bengal, that those rapid and enormous fortunes were acquired in a short period, and as you well know, your honorable friend General Richard Smith, was but four years and seven months in Bengal. It would be impertinent in me to presume to guess at the amount of his acquisitions;

quisitions; but certainly we have had no instances, during Mr. Hastings's administration, of rapid and enormous fortunes being acquired, though by the extension of our influence to Oude, the means of providing for individuals has been considerably increased.

You have searched the Company's Records with industry, you have had the additional advantage of conversing with every man who has returned from India; and what have you discovered? that an improvident contract, as you state it, has been granted to Mr. Stephen Sullivan—This is “The waste of public Treasure for private Purposes.”—Have you, Sir, been as moderate in exercising the power of patronage as Mr. Hastings has proved himself to be, in a difficult and trying situation?—How many of the name of Burke, are now fed at the public expence—your relation, who first acquired, and afterwards lost a fortune, in the Alley, made two journeys over land to India, and appeared here as the avowed agent of the Raja of Tanjore, was, soon after the change of the Ministry, in March 1782, nominated to the new and useless office of Receiver of the Ballances due from the East India Company to the

the Crown, on account of the Regiments serving in India; or, in other words, Paymaster of his Majesty's Forces in India: but I decline the invidious task of stating to what an extent you have exercised the power of providing for your relations at the public expence, during the short time your party has been in office.—It is sufficient for me to assert, that Mr. Hastings, and his friends, are as free from the vice of rapacity, as from the folly of extravagance.

You have said, Sir, that Mr. Hastings, when he first heard of the Resignation, had recourse to one of those unlook'd for and hardy measures which characterize the whole of his administration.

Was this meant as a compliment or a reflection? it was, I grant you, a hardy measure to march a detachment across India—but it succeeded——It was a hardy measure to invade the country of Madjee Sindia—but it produced an immediate peace with the only active Member of the Maratta state, and a general peace with the Marattas has been the consequence——It was a hardy measure, and big with personal responsibility, to draw off the Maratta army at Cuttack by advancing Chimnajee Boosla a Sum
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of money, without the consent of Mr. Francis, but the East India Company has felt the good effects of it.—It was a hardy measure to propose embarking six hundred and forty Europeans, with a large supply of treasure, to relieve Madras, at the moment that the navigation was interdicted, on account of the dangers that attended it.—But the necessity for exertion was pressing, and the Measure succeeded.—The Responsibility of this meritorious exertion was thrown upon Mr. Hastings, and Sir Eyre Coote, —These hardy measures have secured to the Governor-General, the applause of his countrymen, and have saved our empire in India from destruction.

I must confess, Sir, it does appear something extraordinary, that Mr. Hastings should be censured by Mr. Burke, for betraying signs of an impatient, independent, and overbearing temper, and for presuming to avow a principle of disobedience to superior authority. Does such an accusation come with a good grace from a gentleman, who in one instance has acted in direct opposition to the sense of the late and present Law-officers of the Crown; and in another, has set his judgment up in opposition to the

the solemn determination of the great Council of the Nation? and who, having satisfied his own mind of the propriety of an alteration in a depending Bill, deemed it useless and unnecessary to communicate his discoveries to the House of Commons? If these are instances of amiable weakness, and are not to be censured on that account, why, Sir, will you not make some allowance for the difficulties of Mr. Hastings's former situation.

Were I to adopt your mode of reasoning, were I to attribute every action of your life to the worst possible motive, how easy would it be, to say, that when you took upon yourself to restore two men to offices, from which they had been removed, on suspicion of delinquency, you meant to obstruct the course of public justice, or that when you examined evidence without doors to prove the propriety of altering a bill which had been debated clause, by clause in a Committee of the House of Commons; and when you made such alterations upon evidence you thought of no moment to communicate, you shewed a stronger instance of an independent spirit, than Mr. Hastings has ever displayed.

I trust I am warranted in supposing that every part of the Ninth Report was written by yourself. Of this fact there will, I believe, be no doubt; but the respectable Committee, of which you are a member, having adopted the reasoning contained in it, perhaps some apology may be necessary to the gentlemen who attended when the Report was read, as well as to Mr. Burke. I assure, you, Sir, I mean to take no improper liberty with them, or with you; and if in defending Mr. Hastings from the insinuations which are contained against him in the Ninth Report, I have been hurried into any disrespectful expressions, I very sincerely acknowledge my error, and crave pardon of you, and the Committee.

I well know the deference and respect which is due from an humble individual, like myself, to a gentleman who possesses so eminent a rank in the literary world, who fills so high an office in the State, and is admitted to the Councils of our most gracious Sovereign; if in any expression in this letter, I shall appear to have lost sight of that deference and respect, I trust you will attribute it to my firm conviction of the injustice which

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has been done to Mr. Hastings's character, in the Ninth Report of the Select Committee.

I have the Honor to be,

S I R,

Your most obedient,

humble Servant,

J. S.

P. S. In the concluding paragraphs of your report you observe that many material papers, lately arrived from India, have been laid before your Committee,—I presume you mean the dispatches received by the Lively: You appear, however, to have selected the resolution of the Council General relative to the Investment, as the only document necessary to be brought forward at present, and ~~were~~^{even} this

this paper is consigned to an appendix, *not yet published*,--Your report is brought forward at so late a period of the Sessions professedly, *in order to enable the House to adopt the most proper means for regulating the British Government in India*: If this was your intention in bringing the report forward on the 13th of June, surely, Sir, it would have been candid to have said something further relative to the Lively's dispatches. The idea without doors is, that they contain undoubted proofs of the spirited and successful exertions of the Governor General and Council, and give the Company a well founded hope, of their being able to surmount the astonishing difficulties and embarrassments in which every Presidency has been involved. Not a hint of this kind however is to be found in your report, and the only paper alluded to is that, in which the Supreme Council have recommended to the Court of Directors; to allow the Members of the Board of Trade, resident in Calcutta, 5 per Cent. upon the amounts of the Investment. Any person reading your report would conclude, I am sure, that the grant of
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the 5 per Cent. was absolute by the Supreme Council, instead of being merely a recommendation, and instead of this "memorable transaction," binding the Board of Trade to take no unlawful "emolument" and consequently implying that such had hitherto been taken, the meaning must be as the words express, "that they were to take no further emolument," by which was understood, I presume, a restriction from trade, in such articles as might affect the Company's Investment for the ensuing season.



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